

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ESMELING L. BAHENA,

Plaintiff,

v.

MENDOZA,

Defendant.

Case No. 1:22-cv-01585-BAM (PC)

**ORDER GRANTING JOINT STIPULATION
TO AMEND THE DISCOVERY AND
SCHEDULING ORDER**

(ECF No. 90)

Dispositive Motion Deadline: October 9, 2025

Plaintiff Esmeling L. Bahena (“Plaintiff”) is a state prisoner proceeding through counsel and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint against Defendant Mendoza (“Defendant”) for excessive force and deliberate indifference to medical care in violation of the Eighth Amendment. All parties have consented to Magistrate Judge jurisdiction. (ECF No. 40.)

Pursuant to the parties’ informal discovery dispute conference and the Court’s order of April 10, 2025, the deadline for completion of discovery was extended until June 13, 2025 for the limited purpose of conducting the depositions of Defendant Mendoza and non-party witness Arellano, and the deadline for filing all dispositive motions (other than a motion for summary judgment for failure to exhaust) was extended to July 11, 2025. (ECF No. 85.)

On June 17, 2025, pursuant to the parties’ joint stipulation and by Court order, the deadline for completion of discovery was extended to August 12, 2025, for the limited purpose of conducting the depositions of Defendant Mendoza and non-party witness Arellano, and the deadline for filing all dispositive motions (other than a motion for summary judgment for failure

1 to exhaust) was extended to September 9, 2025. (ECF No. 87.)

2 On August 12, 2025, pursuant to the parties' joint stipulation and by Court order, the
3 deadline for completion of discovery was extended by one day to August 13, 2025, for the limited
4 purpose of conducting the depositions of Defendant Mendoza and non-party witness Arellano.
5 All other requirements and deadlines, including the September 9, 2025 deadline for filing all
6 dispositive motions (other than a motion for summary judgment for failure to exhaust) remained
7 unchanged. (ECF No. 89.)

8 Currently before the Court is the parties' September 9, 2025 joint stipulation to amend the
9 discovery and scheduling order to extend the current deadline for filing all dispositive motions
10 (other than a motion for summary judgment for failure to exhaust). (ECF No. 90.) The parties
11 stipulate to extending this deadline to allow them time to complete their motions, which includes
12 "time to review and implement the transcripts of Defendant Mendoza and non-party witness
13 Arellano into a dispositive motion, to the extent possible." (*Id.* at 2.)

14 The Court finds good cause to grant the joint request to amend the discovery and
15 scheduling order. Fed. R. Civ. P. 16(b)(4).

16 Accordingly, IT IS HEREBY ORDERED as follows:

- 17 1. The joint stipulation to amend the discovery and scheduling order, (ECF No. 90), is
18 GRANTED.
- 19 2. The deadline for filing all dispositive motions (other than a motion for summary judgment
20 for failure to exhaust) is extended from September 9, 2025, to **October 9, 2025**.
- 21 3. **A request for an extension of the deadline set in this order must be filed on or before**
22 **the expiration of the deadline in question and will only be granted on a showing of**
23 **good cause.**

24
25 IT IS SO ORDERED.

26 Dated: September 10, 2025

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE